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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/200,430	11/27/1998	KAORU YAMAMOTO	041465-5053	4823

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EXAMINER

ONUAKU, CHRISTOPHER O

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 12/20/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/200,430

Applicant(s)

Yamamoto et al

Examiner

Christopher Onuaku

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Oct 10, 2001
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirements.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☒ All b) ☐ Some\* c) ☐ None of:

1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 20) ☐ Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 10/10/01 have been fully considered but they are not persuasive. Applicant argues that the two control codes that respectively correspond to sound and picture signals are generated separately. This is so only when the sound and picture signals are recorded separately. However, when the sound and picture signals are recorded together, the corresponding control code is recorded simultaneously (see page 6, lines 15-17).

Furthermore, applicant argues that Sakai fails to teach or suggest an information recording medium, an information reproducing apparatus, or an information reproduction method comprising first reproduction control information to simultaneously reproduce the video information and the audio information out of the substantial information, and second reproduction control information to reproduce only the audio information of the substantial information. Examiner disagrees.

As discussed in the claim rejections below, Sakai clearly discloses an information recording medium (see Fig.1 and the magnetic disc 15), an information reproducing apparatus (see Fig.1, and the playback operation of page 11, line 22 to page 13, line 3), and information reproduction method ( see the method of playing the sound signals and the picture signals separately, and method of playing back the sound signal and the picture signal together in the playback operation of page 11, line 22 to page 13, line 3). Playing back the sound signal and the

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picture signal together using the sound control code to identify the sound signal and picture signal control code to identify the picture signal comprises the claimed first reproduction control information to simultaneously reproduce the video information and the audio information out of the substantial information. And, playing back only the sound signal using the sound control code to identify the sound signal comprises the claimed second reproduction control information to only reproduce the audio information out of the substantial information.

The rejections are, therefore, maintained.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Sakai (GB 2 225 147).

Regarding claim 1, Sakai discloses an electronic still camera which can distinguishably indicate the picture signal and the sound signal during recording and reproducing, comprising:

- a) information record medium ( see Fig.1&3, magnetic disc 15);
- b) substantial information including video information (picture signal) and audio information (sound signal) which are related to each other ( page 10, line 26 to page 11, line 21);

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c) first reproduction control information to simultaneously reproduce the video information and the audio information out of the substantial information ( see the sound control code and the picture control code, respectively and the simultaneous reproduction operation of the sound and picture signals, page 12, lines 18-27); here the sound control code and the picture control code, respectively, are used to identify the sound signal and the picture signal during the playback operation, and read on reproduction control information, since the sound control code and the picture control code, respectively, facilitate the playback operation;

d) second reproduction control information to reproduce only the audio information out of the substantial information ( see the sound control code and the sound reproduction operation, page 12, lines 9-17).

Regarding claim 2, Sakai discloses wherein the first reproduction control information and the second reproduction control information prescribes a reproduction of a same portion of the substantial information ( see page 5, line 21 to page 6, line 17, and page 12, line 6 to page 13, line 3). Here whether only one of or both of the picture signal and the sound signal is or are recorded on the track of the magnetic disc 15 which is played back is indicated by the processing of the magnetic disc 15 and the control code deciphering portion 47

Regarding claim 3, Sakai discloses wherein:

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a) the first reproduction control information divides the substantial information into a plurality of first information units and prescribes a reproduction control of the first information units (see control codes used to identify the sound and picture signals, respectively; when the picture signals are recorded, appropriate control codes are assigned to the picture signals; page 11, line 22 to col.12, line 5):

b) the second reproduction control information divides the substantial information into a plurality of second information units, which are different from the information units, and prescribes a reproduction control of the second information units (see control codes; when the sound signals are recorded, appropriate control codes are assigned to the sound signals; page.6, lines 10-17)

The control codes assigned to the sound signals and picture signal are different since the control codes are based on the type of signal (see .page 6, lines 10-11).

Regarding claim 4, Sakai discloses wherein the second reproduction control information prescribes a reproduction of the substantial information in a reproduction order which is different from that of the first reproduction control information with respect to a same portion of the substantial information ( see page 6, lines 10-17; and col.11, lines 28-30), here in a case of picture signal reproduction, the record (field or frame recording) mode is judged and in the case of the sound signal reproduction, the time mode is judged. Since during recording, the sound signal is

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recorded based on time mode, and the picture signal is recorded based on the recording mode, the sound signal reproduction order would be different from the picture signal reproduction order.

Regarding claim 5, Sakai discloses another substantial information including only audio information ( see page 10, lines 8-10; the camera has two time modes of 10 second and 20 seconds; when the control code fetched by the magnetic head 36 from the magnetic disc 15 is only for the sound signal at the 10 second mode, the control code deciphering portion 47 detects only the control code corresponding to that sound signal. It follows that when the control code fetched by the magnetic head 36 from the magnetic disc 15 is only for the sound signal at the 20 second mode, the control code deciphering portion 47 detects only the control code corresponding to that sound signal; page 12, lines 9-17).

Regarding claim 6, Sakai discloses;

- a) an information reproducing apparatus ( see Fig.1);
- b) a reading device for reading the substantial information, the first reproduction control information and the second reproduction control information from the record medium ( see claim 1 discussions; additionally, see head 36 that reads the signals recorded on magnetic disk 15 during playback; page.11, lines 22-30);
- c) a reproducing device for reproducing the substantial information in accordance with the first reproduction control information when a reproduction of the video information and the audio

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information is instructed, and reproducing the substantial information in accordance with the second reproduction control information when a reproduction of only the audio information is instructed ( see claim 1 discussions; also see Fig.1, control codes and the control code deciphering portion 47; and page 11, lines 22-30).

Regarding claim 7, Sakai discloses;

- a) an information reproducing apparatus ( see Fig.1);
- b) a reading device for reading the substantial information and the first reproduction control information from the record medium ( see claim 1 discussions; additionally, see head 36 that reads the signals recorded on magnetic disk 15 during playback; page.11, lines 22-30);
- c) a reproducing device for reproducing the substantial information in accordance with the first reproduction control information when a reproduction of the video information and the audio information is instructed ( see claim 1 discussions; also see Fig.1, control codes and the control code deciphering portion 47; and page 11, lines 22-30).

Regarding claim 8, Sakai discloses;

- a) an information reproducing apparatus ( see Fig.1);
- b) a reading device for reading the substantial information and the second reproduction control information from the record medium ( see claim 1 discussions; additionally, see head 36 that reads the signals recorded on magnetic disk 15 during playback; page.11, lines 22-30);



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c) a reproducing device for reproducing the substantial information in accordance with the second reproduction control information when a reproduction of only the audio information is instructed ( see claim 1 discussions; also see Fig.1, control codes and the control code deciphering portion 47; and page 11, lines 22-30).

Regarding claim 9, Sakai discloses information reproducing method for reproducing an information record medium comprising substantial information including video information and audio information which are related to each other; first reproduction control information to simultaneously reproduce the video information and the audio information out of the substantial information; and second reproduction control information to reproduce only the audio information out of the substantial information(see claim 1 discussions), the information reproducing method comprising ;

a) a reading process for reading the substantial information, the first reproduction control information and the second reproduction control information from the record medium (see claim 1 discussions; additionally, see head 36 that reads the signals recorded on magnetic disk 15 during playback; page.11, lines 22-30);

b) a reproducing process for reproducing the substantial information in accordance with the first reproduction control information when a reproduction of the video information and the audio information is instructed, and reproducing the substantial information in accordance with the second reproduction control information when a reproduction of only the audio information is

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instructed ( see claim 1 discussions; also see Fig.1, control codes and the control code deciphering portion 47; and page 11, lines 22-30).

Regarding claim 10, Sakai discloses information reproducing method for reproducing an information record medium comprising substantial information including video information and audio information which are related to each other; first reproduction control information to simultaneously reproduce the video information and the audio information out of the substantial information; and second reproduction control information to reproduce only the audio information out of the substantial information(see claim 1 discussions), the information reproducing method comprising ;

a) a reading process for reading the substantial information and the first reproduction control information from the record medium (see claim 1 discussions; additionally, see head 36 that reads the signals recorded on magnetic disk 15 during playback; page.11, lines 22-30);

b) a reproducing process for reproducing the substantial information in accordance with the first reproduction control information when a reproduction of the video information and the audio information is instructed ( see claim 1 discussions; also see Fig.1, control codes and the control code deciphering portion 47; and page 11, lines 22-30).

Regarding claim 11, Sakai discloses information reproducing method for reproducing an information record medium comprising substantial information including video information and

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audio information which are related to each other; first reproduction control information to simultaneously reproduce the video information and the audio information out of the substantial information; and second reproduction control information to reproduce only the audio information out of the substantial information(see claim 1 discussions), the information reproducing method comprising ;

a) a reading process for reading the substantial information and the second reproduction control information from the record medium (see claim 1 discussions; additionally, see head 36 that reads the signals recorded on magnetic disk 15 during playback; page.11, lines 22-30);

b) a reproducing process for reproducing the substantial information in accordance with the second reproduction control information when a reproduction of only the audio information is instructed ( see claim 1 discussions; also see Fig.1, control codes and the control code deciphering portion 47; and page 11, lines 22-30).

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from this examiner should be directed to Christopher Onuaku whose telephone number is (703) 308-7555. The examiner can normally be reached on Tuesday to Thursday from 7:30 am to 5:00 pm. The examiner can also be reached on alternate Monday.

If attempts to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Wendy Garber, can be reached on (703) 305-4929.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 872-9314, (for formal communications intended for entry)

and (for informal or draft communications, please label "PROPOSED" or "DRAFT")

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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be  
directed to Customer Service whose telephone number is (703) 306-0377.

*Two*  
COO

12/5/01

*W. Garber*  
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